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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

INVENTORSHIP Curtis Gregory Kelsay
APPLICATION SERIAL NO. 10/053,989
FILED January 19, 2002
CONFIRMATION NO. 5126
ART UNIT 2625
EXAMINER Worku, Negussie
ATTORNEY DOCKET NO. 10017364-1
TITLE: **OPTICAL SCANNING APPARATUS HAVING SELF-PROPELLED
LIGHT BAR ASSEMBLY**

PTO TRANSMITTAL LETTER AND CERTIFICATE OF MAILING

To: Mail Stop APPEAL BRIEF – PATENTS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

From: John S. Reid
Reidlaw, L.L.C.
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Telephone: (509) 534-5789
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Enclosed are:

1. Return Receipt Postcard (X2)
2. Check for \$120
3. Transmittal Letter and Certificate of Mailing
4. Fees Transmittal form (PTO/SB/17) (X2)
5. Communication (2 pages)
6. Copy of "Notification of Non-Compliant Appeal Brief" dated Aug. 21, 2007
7. "Replacement Summary of Claimed Subject Matter for the Appeal Brief" (3 pages)

Submitted by:

Date: October 2, 2007

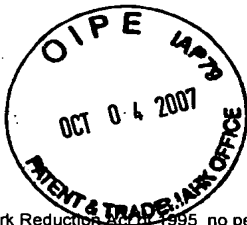
By: John S. Reid
John S. Reid
Reg. No. 36,369
Attorney and agent for Applicant

CERTIFICATE OF MAILING

I hereby certify the items listed above as enclosed are being deposited with the U.S. Postal Service as first class mail in an envelope addressed to The Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the below-indicated date.

Date: October 2, 2007

By: John S. Reid
John S. Reid



PTO/SB/17 (10-07)

Approved for use through 06/30/2010. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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Effective on 12/08/2004.
Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).**FEE TRANSMITTAL**
For FY 2008☐ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT** (\$) 120.00**Complete if Known**

Application Number	10/053,989
Filing Date	01/19/2002
First Named Inventor	Curtis Gregory KELSAY
Examiner Name	Worku, Negussie
Art Unit	2625
Attorney Docket No.	10017364-1

METHOD OF PAYMENT (check all that apply)☒ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): _____☐ Deposit Account Deposit Account Number: _____ Deposit Account Name: _____

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, **except for the filing fee**☐ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☐ Credit any overpayments**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**FEE CALCULATION****1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	<u>Small Entity</u> Fee (\$)	Fee (\$)	<u>Small Entity</u> Fee (\$)	Fee (\$)	<u>Small Entity</u> Fee (\$)	
Utility	310	155	510	255	210	105	_____
Design	210	105	100	50	130	65	_____
Plant	210	105	310	155	160	80	_____
Reissue	310	155	510	255	620	310	_____
Provisional	210	105	0	0	0	0	_____

2. EXCESS CLAIM FEES**Fee Description**

Each claim over 20 (including Reissues)

Fee (\$)	<u>Small Entity</u> Fee (\$)
50	25

Each independent claim over 3 (including Reissues)

210	105
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Multiple dependent claims

370	185
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Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)
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_____ - 20 or HP = _____ x _____ = _____

HP = highest number of total claims paid for, if greater than 20.

Indep. Claims	Extra Claims	Fee (\$)	Fee Paid (\$)
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_____ - 3 or HP = _____ x _____ = _____

HP = highest number of independent claims paid for, if greater than 3.

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$260 (\$130 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
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_____ - 100 = _____ / 50 = _____ (round up to a whole number) x _____ = _____

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Fees Paid (\$)

Other (e.g., late filing surcharge): One month extension of time under 37 CFR 1.136(a)

\$120.00

SUBMITTED BY

Signature		Registration No. 36,369 (Attorney/Agent)	Telephone (509) 534-5789
Name (Print/Type)	John S. Reid		Date Oct. 2, 2007

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/053,989	01/19/2002	Curtis Gregory Kelsay	10017364-1	5126

7590

08/21/2007

HEWLETT-PACKARD COMPANY

Intellectual Property Administration

P.O. Box 272400

Fort Collins, CO 80527-2400

EXAMINER

ART UNIT

PAPER NUMBER

DATE MAILED: 08/21/2007 ✓



Please find below and/or attached an Office communication concerning this application or proceeding.



Notification of Non-Compliant Appeal Brief
(37 CFR 41.37)

Application No.

10/053,989

Applicant(s)

KELSAY, CURTIS GREGORY

Examiner

WORKU, NEGUSSIE

Art Unit

2625

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

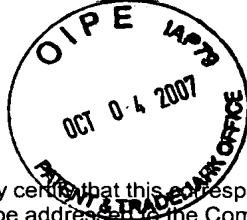
The Appeal Brief filed on 20 July 2007 is defective for failure to comply with one or more provisions of 37 CFR 41.37.

To avoid dismissal of the appeal, applicant must file an amended brief or other appropriate correction (see MPEP 1205.03) within **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer.
EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136.

1. ☐ The brief does not contain the items required under 37 CFR 41.37(c), or the items are not under the proper heading or in the proper order.
2. ☐ The brief does not contain a statement of the status of all claims, (e.g., rejected, allowed, withdrawn, objected to, canceled), or does not identify the appealed claims (37 CFR 41.37(c)(1)(iii)).
3. ☐ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 41.37(c)(1)(iv)).
4. ☒ (a) The brief does not contain a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number and to the drawings, if any, by reference characters; and/or (b) the brief fails to: (1) identify, for each independent claim involved in the appeal and for each dependent claim argued separately, every means plus function and step plus function under 35 U.S.C. 112, sixth paragraph, and/or (2) set forth the structure, material, or acts described in the specification as corresponding to each claimed function with reference to the specification by page and line number, and to the drawings, if any, by reference characters (37 CFR 41.37(c)(1)(v)).
5. ☐ The brief does not contain a concise statement of each ground of rejection presented for review (37 CFR 41.37(c)(1)(vi)).
6. ☐ The brief does not present an argument under a separate heading for each ground of rejection on appeal (37 CFR 41.37(c)(1)(vii)).
7. ☐ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 41.37(c)(1)(viii)).
8. ☐ The brief does not contain copies of the evidence submitted under 37 CFR 1.130, 1.131, or 1.132 or of any other evidence entered by the examiner **and relied upon by appellant in the appeal**, along with a statement setting forth where in the record that evidence was entered by the examiner, as an appendix thereto (37 CFR 41.37(c)(1)(ix)).
9. ☐ The brief does not contain copies of the decisions rendered by a court or the Board in the proceeding identified in the Related Appeals and Interferences section of the brief as an appendix thereto (37 CFR 41.37(c)(1)(x)).
10. ☐ Other (including any explanation in support of the above items):

Item 4. The claimed invention does not refer to the specification by page and line number.


LOREND A HOOD
PATENT APPEAL CENTER SPECIALIST



I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to the Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450

Date of Deposit: October 02, 2007

Typed Name of Person Mailing Paper or Fee: John S. Reid

Signature: *John S. Reid*

PATENT APPLICATION
Docket No.: 10017364-1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND
INTERFERENCES

In re application of:

Inventor(s): Curtis Gregory Kelsay
Serial No.: 10/053,989
Filed: January 19, 2002
Title: Optical Scanning Apparatus Having Self-Propelled Light Bar Assembly
Art Unit: 2625
Examiner: Worku, Negussie
Confirmation No.: 5126

Mail Stop APPEAL BRIEF – PATENTS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

COMMUNICATION and
REQUEST FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a)

SIR OR MADAM:

In response to the "Notification of Non-Compliant Appeal Brief" mailed on August 21, 2007, the Appellant hereby submits a "Replacement Summary of Claimed Subject Matter for the Appeal Brief" (Section 5) to the Appeal Brief filed on July 20, 2007 (in compliance with MPEP 1205.03). A copy of the "Notification of Non-Compliant Appeal Brief" mailed on August 21, 2007 is enclosed herewith.

(Continued on next page.)

Docket No. 10017364-1
Appeal Brief Replacement Section